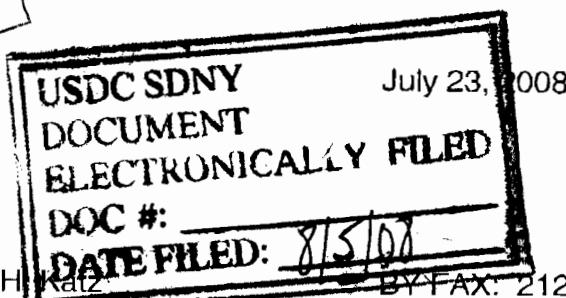


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Honorable Theodore H. Katz  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: Jesse Rosen v. City of New York, et. al.  
07-CV-6018 (VM) (THK)

Dear Judge Katz::

This office represents the plaintiff in the above-referenced action arising out of an incident which occurred on June 21, 2006 resulting in injuries when plaintiff was an inmate at Riker's Island.

By order dated July 23, 2008, Your Honor directed that all fact discovery should be completed by July 23, 2008 (today). However, despite the parties' best efforts we have been unable to complete fact discovery, which is thereby delaying the holding of depositions.

The issue delaying this matter is the defendants' refusal to disclose certain documents in the absence of a stipulation of non-disclosure. We have objected to signing such stipulation and the defendants have not yet provided same. In point of fact, such disclosure was promised months ago and was the subject of our telephone conference with Your Honor in April, 2008. However, several days ago we received a demand by defense counsel that we stipulate to non-disclosure before they would turn over the documents to us. We have provided law in response that would support our position that no stipulation is required under the circumstances but defense counsel does not agree.

It has not been our intention to delay this matter and I regret having to ask the Court to intervene, but under the circumstances I am afraid we cannot resolve these issues in the absence of the Court's assistance.

Page 2.  
Hon. Theodore Katz  
Rosen v. City 07-CV-6018

In light of the above, I write to ask that the Court extend deadlines for discovery so that we may complete discovery herein. I would also ask for a conference before the Court to discuss the defendants' refusal to provide discovery so that we may have a Court determination as to how to proceed.

Thank you for your attention to this matter.

Sincerely yours,

PAZER, EPSTEIN & JAFFE, P.C.

  
BY: MICHAEL JAFFE

MJ;dr

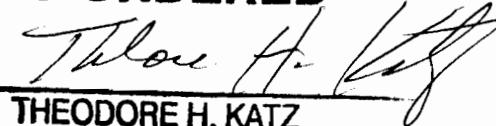
cc: Steve Stavridis, Esq., Asst. Corp. Counsel (by e-mail - [sstavrid@law.nyc.gov](mailto:sstavrid@law.nyc.gov))

This request is untenable. The fact discovery deadline was July 23, the date of this letter. This Court's rules require that discovery disputes be brought to the Court's attention in advance of deadlines. From all appearances, there has been virtually no pretrial discovery conducted.

All discovery must be completed by August 29, 2008 - the deadline for completion of expert discovery. A conference will be scheduled to address the discovery logjam.

**SO ORDERED**

8/5/08

  
THEODORE H. KATZ  
UNITED STATES MAGISTRATE JUDGE